

## **Response**

### **A. Introduction**

Claims 1-12 and 14 are pending in the application following entry of the preceding amendments. The Examiner initially rejected claims 1-12, contending:

- Claim 10 is indefinite because of its use of the word “locally”;
- Claim 12 is of improper dependent form; and
- The claims are either anticipated by or obvious in view of International Patent Publication No. WO 2002/011816 of Richardson, et al. (the “Richardson PCT Publication”).

Without conceding the propriety of the Examiner’s contentions, Applicants have revised claims 10 and 12 as well as independent claims 1 and 8. Applicants believe these revisions resolve the Examiner’s concerns and, accordingly, request that claims 1-12 and 14 be allowed.

### **B. Claims 10 and 12**

Applicants have deleted the word “locally” from claim 10. They additionally have rewritten claim 12 in independent form, referring now to a respirator comprising a facepiece and a seal similar to that described in claim 8. Applicants accordingly request that the Examiner’s non-substantive rejections of claims 10 and 12 be withdrawn.

### **C. Claims 1-7**

Described in independent claim 1 is a respirator having both first (inner) and second (outer) sealing means. The two sealing means cooperate such that air normally is inhaled and exhaled solely through a first cavity defined between the

first sealing means, a facepiece, and an area of the user's face including his or her eyes, mouth, and nose. This structure is possible because the first (inner) sealing means is configured to form a seal about and cover all of these aspects of the user's face.

Respirator 1 of the Richardson PCT Publication is not configured as recited in the claim. Instead, inner seal 10 surrounds only the mouth and nose of the user, with goggles 20 positioned in front of the user's eyes. Inner seal 10 thus does not seal about the eyes of the user, such sealing instead being provided only by outer face seal 15. Indeed, because of its differing configuration and inclusion of goggles 20, the Richardson PCT Publication fails either to disclose or to suggest the structure described in claim 1. For at least this reason, therefore, Applicants request that claims 1-7 be allowed.

**D. Claims 8-12 and 14**

*1. Independent Claim 8*

Independent claim 8 describes a multi-portion sealing piece for a respirator, with at least the first and second portions of the piece comprising substantially compliant material. A third portion of the sealing piece mutually connects and contacts the first and second portions. See Application at p. 14, ll. 6-19. Examples of the multi-portion sealing piece are shown in Figs. 2 and 3a-d.

According to the Examiner, the Richardson PCT Publication discloses such a sealing piece having a first portion (10 or 15), a second portion (15 or 10), and a third portion ("at 3"). See Office Action at p. 6. Clear, however, is that elements 3,

10, and 15 are not *all* portions of the same sealing piece. Stated differently, while elements 3 and 15 arguably are portions of the same sealing piece, element 10 is not.

Moreover, even were the Examiner's contention correct, the third portion (element 3) of the device of the Richardson PCT Publication does *not* mutually connect and contact the first and second portions (elements 10 and 15). Indeed, element 3 does not contact element 10 in any way. Instead, element 3 appears to contact only outlet 8, motor 26, eye-piece 20, and duct 28. For either or both of these reasons, Applicants believe the Richardson PCT Publication neither discloses nor renders obvious the subject matter of independent claim 8; accordingly, Applicants request that claims 8-12 and 14 be allowed.

## *2. Claim 14*

Claim 14 further identifies the first portion as comprising a reverse reflex seal and the second portion as comprising a reflex seal. Advantages of this arrangement are described in the application. Among them are that, "[o]n the application of a positive pressure within the cavity between the seals 6, 7, then the second seal 6 is urged into greater engagement with the face of the user." See Application at p. 15, ll. 6-8.

The Examiner apparently concedes this arrangement is not present in the device of the Richardson PCT Publication. *Without any support whatsoever*, however, the Examiner contends that either element 10 or element 15 is "capable of reverse reflex based upon the flexibility of the material." See Office Action at p. 7 (discussing claim 11). Such unsupported supposition of the Examiner is impermissible; it further is unwarranted, as the different structure of the device of the

Richardson PCT Publication renders needless the arrangement of claim 14.

Applicants hence believe another basis exists for allowing claim 14.

### **Petition for Extension of Time**

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition the Commissioner for all extensions of time needed to respond to the Office Action.

### **Fees**

Attached is authorization to charge a credit card for \$460.00 for the petition fee. Applicants believe no other fee presently is due. However, if Applicants' belief is mistaken, the Commissioner is authorized to debit Deposit Account No. 11-0855 for any additional fee due as a consequence of Applicants' submission of this paper.

### **Conclusion**

Applicants request that the Examiner allow claims 1-12 and 14 and that a patent containing these claims issue in due course.

Respectfully submitted,



OF COUNSEL:

Kilpatrick Stockton LLP  
1100 Peachtree Street  
Suite 2800  
Atlanta, Georgia 30309  
(404) 815-6528

Dean W. Russell  
Reg. No. 33,452  
Attorney for the Assignee